

BEFORE THE MISSOURI REAL ESTATE COMMISSION

MISSOURI REAL ESTATE COMMISSION,)	
)	
Petitioner,)	
)	
v.)	No. 12-0220 RE
)	
STEPHEN NGUYEN)	
and)	
IMPACT REALTY GROUP LLC,)	
)	
Respondents.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

On or about January 8, 2014, the Administrative Hearing Commission entered its Decision in the case of *Missouri Real Estate Commission v. Stephen Nguyen and Impact Realty Group LLC*, No. 12-0220 RE. In that Decision, the Administrative Hearing Commission found that Respondents Stephen Nguyen’s real estate broker associate license (license no. 2003015137) and real estate broker license (license no. 2000169692) and Impact Realty Group LLC’s real estate association license (license no. 2003015102) are subject to disciplinary action by the Commission pursuant to § 339.100.2(15) RSMo.¹

The Missouri Real Estate Commission (“MREC”) has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the MREC held a hearing on April 2, 2014, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson

¹All Statutory References are to the Revised Statutes of Missouri, 2000, as amended, unless otherwise indicated.

City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondents' licenses. All of the members of the MREC were present throughout the meeting. Charles Davis participated through conference call. Further, each member of the MREC that was present for the hearing has read the Decision of the Administrative Hearing Commission. The MREC was represented by Assistant Attorney General Ross Brown. Respondents having received proper notice and opportunity to appear did not appear in person or through legal counsel. After being present and considering all of the evidence presented during the hearing, the MREC issues these following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the MREC hereby states:

I.

FINDINGS OF FACT

1. The MREC is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker associate or salesperson in this state. The MREC has control and supervision of the licensed occupations and enforcement of the terms and provisions of §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The MREC hereby adopts and incorporates by reference the findings of fact of the Decision and record of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Stephen Nguyen and Impact Realty Group LLC*, No. 12-0220 RE in its entirety and takes official notice thereof and hereby enters its findings of fact consistent therewith.

3. The MREC set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondents in a proper and timely fashion.

4. The MREC issued Stephen Nguyen's real estate broker associate license 2003015137 and real estate broker license 2000169692 and Impact Realty Group LLC's real estate association license 2003015102. Respondents' licenses were not current at all times relevant to this proceeding. Nguyen's real estate broker associate license expired on June 30, 2012 due to failure to renew and his real estate broker license expired on June 30, 2004 due to failure to renew. Impact Realty Group LLC's real estate association license expired on June 30, 2012 due to failure to renew.

II.

CONCLUSIONS OF LAW

5. This MREC has jurisdiction over this proceeding pursuant to §§ 621.110 and 339.100, RSMo.

6. The MREC expressly adopts and incorporates by reference the conclusions of law and Decision issued by the Administrative Hearing Commission dated January 8, 2014, in *Missouri Real Estate Commission v. Stephen Nguyen and Impact Realty Group LLC*, No. 12-0220 RE, takes official notice thereof, and hereby enters its conclusions of law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Decision dated January 8, 2014, Respondents' real estate licenses are subject to disciplinary action by the MREC pursuant to § 339.100.2(15), RSMo.

8. The MREC has determined that this Order is necessary to ensure the protection of the public.

III.


ORDER

Having fully considered all the evidence before the MREC, and giving full weight to the Decision of the Administrative Hearing Commission, it is the **ORDER** of the MREC that Stephen Nguyen's real estate broker associate license (license no. 2003015137) and real estate broker license (license no. 2000169692) and Impact Realty Group LLC's real estate association license (license no. 2003015102) are hereby **REVOKED**. All evidence of Respondents' licensure shall be returned to the MREC within 30 days of this Order along with a Closing of a Real Estate Brokerage/Sole Proprietorship form.

The MREC will maintain this Order as an open, public record of the MREC as provided in Chapters 339, 610, and 324, RSMo.

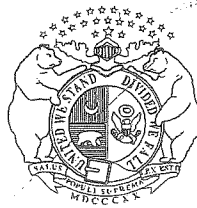
SO ORDERED, EFFECTIVE THIS 9th DAY OF April, 2014.

MISSOURI REAL ESTATE COMMISSION



Janet Carder, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI REAL ESTATE COMMISSION,)
)
Petitioner,)
)
vs.)
)
STEPHEN NGUYN & IMPACT)
REALTY GROUP, LLC,)
)
Respondents.)

No. 12-0220 RE

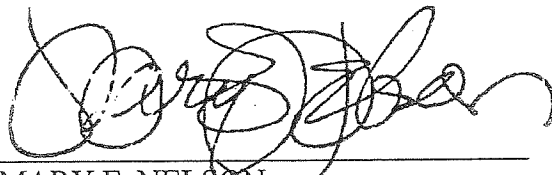
DECISION

On February 8, 2012, Petitioner filed a complaint seeking to discipline Respondents. Respondents filed an answer on March 28, 2012.

We held a hearing on January 18, 2013. Petitioner appeared through counsel. Although notified of the date, time and place of the hearing, neither Respondents nor anyone on their behalf appeared.

Under 1 CSR 15-3.425(1)(B), we may impose a sanction for a party's failure to appear at any hearing, including deeming all or any part of the opposing party's pleading admitted. We impose such sanction here on Respondents. Therefore, we find Petitioner is entitled to the relief requested in the complaint.

SO ORDERED on January 8, 2014.



MARY E. NELSON
Commissioner

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

FEB 08 2012

ADMINISTRATIVE HEARING
COMMISSION

MISSOURI REAL ESTATE COMMISSION)
3605 Missouri Boulevard)
P.O. Box 1339)
Jefferson City, MO 65102)

Petitioner,)

v.)

No. 12-0220RB

STEPHEN NGUYEN)
1805 S. McKnight Road)
Richmond, MO 63117)
Telephone: (314) 795-3439)

AND)

IMPACT REALTY GROUP, LLC)
Serve: Eugene Portman)
231 South Bemiston Ave)
St. Louis, MO 63105)
Telephone: (314) 565-3850)

Respondents.)

COMPLAINT

Petitioner, Missouri Real Estate Commission ("MREC"), by and through its attorney, the Attorney General of the State of Missouri, states for its cause of action against the Respondents Stephen Nguyen, ("Nguyen") and Impact Realty Group, LLC. ("Impact Realty"):

1. The Missouri Real Estate Commission was established pursuant to § 339.120 RSMo¹, for the purpose of executing and enforcing the provisions of §§ 339.010 through 339.205 and Sections 339.710 through 339.855, RSMo 2000 (as amended), relating to real estate salespersons and brokers.

2. Nguyen is licensed by the MREC as a real estate broker officer, no. 200315137, and as a real estate broker, no. 1999014759. Impact Realty is licensed by the MREC as a real estate association, no. 200315102. The licenses were current and active at all times relevant herein.

3. The registered addresses for Ngyuen and Impact Realty was and remains 1085 S. McKnight Road, Richmond Heights, MO 63117 and 1075 S. McKnight Road, Richmond Heights, MO 63117, respectively.

4. By letter dated June 11, 2010, and sent to Ngyuen's and Impact Realty's registered addresses, the MREC notified Nguyen and Impact Realty that they had been randomly selected for an audit. Nguyen and Impact Realty failed to respond to the June 11 letter, and a second letter was sent on July 15, 2010. Nguyen and Impact Realty responded to this letter and subsequently, an audit was held over the telephone with an MREC examiner.

5. As a result of the audit, on or about September 3, 2010, for Nguyen and September 13, 2010, for Impact Realty, the MREC requested that Nguyen and Impact Realty submit an affidavit regarding whether Nguyen or Impact Realty conducted any real estate activity in the prior twelve months, and to submit copies of both Nguyen's

¹ Unless otherwise noted, all statutory citations are to the Revised Statutes of Missouri, 2000.

broker associate license and Impact Realty's real estate association license. Nguyen submitted a signed affidavit and a copy of Impact Realty's license, but failed to submit a copy of his license.

6. By a letter dated February 16, 2011, and addressed to Impact Realty's registered address, the MREC requested Nguyen and Impact Realty to submit a copy of Nguyen's license within 30 days. Nguyen and Impact Realty failed to submit a copy of Nguyen's license and failed to respond to the letter.

7. By a letter dated April 4, 2011, and addressed to Impact Realty's registered address, the MREC notified Nguyen and Impact Realty that the MREC had still not received a response from them. The letter stated that Nguyen and Impact Realty had ten days to respond to the February 16, 2011 letter and advised Nguyen and Impact Realty that failure to do so would provide grounds for discipline pursuant to regulation 20 CSR 2250-8.170(1). Nguyen and Impact Realty failed to respond.

8. By certified letter dated May 2, 2011, and sent to Impact Realty's registered address, the MREC notified Nguyen and Impact Realty, that Nguyen and Impact Realty were required to respond to the February 16 and April 4, 2011 letters or to appear before the MREC on June 8, 2011, at 9:45 AM, in Jefferson City, Missouri. On or about May 4, 2011, Nguyen and/or Impact Realty signed for and received the MREC's May 2, 2011 letter. Neither Nguyen nor any other representative of Impact Realty appeared before the MREC or responded to the May 2, 2011 letter.

9. Regulation 20 CSR 2250-8.170, requiring real estate brokers to respond to MREC inquiries, states:

(1) Failure of a licensee to respond in writing, within thirty (30) days from the date of the commission's written request or inquiry, mailed to the licensee's address currently registered with the commission, will be sufficient grounds for taking disciplinary action against that licensee.

10. Section 339.100.2, RSMo Supp. 2010, states in pertinent part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860*, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860*; [.]

11. Nguyen's and Impact Realty's conduct as described above, failing to respond to inquiries from the MREC, is a violation of 20 CSR 2250-8.170(1), a rule lawfully adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860, RSMo. Thus, cause exists to discipline Nguyen's real estate broker associate license and Impact Realty's real estate association license pursuant to §339.100.2(15), RSMo Supp. 2011.

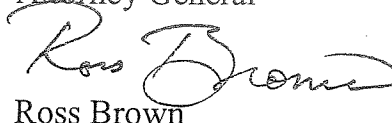
12. Cause exists to discipline the licenses of Stephen Nguyen and Impact Realty pursuant to § 339.105.2(15), RSMo Supp. 2011.

WHEREFORE, Petitioner requests the Administrative Hearing Commission to conduct a hearing in this case pursuant to §§ 621.015 to 621.205, RSMo, if necessary, and issue its Findings of Fact and Conclusions of Law that MREC may take disciplinary

action against the licenses of Respondents, Stephen Nguyen and Impact Realty Group, LLC., as a real estate broker, and real estate association respectively, for the violations noted above and for other such relief as the Commission deems appropriate.

Respectfully submitted,

CHRIS KOSTER
Attorney General

A handwritten signature in black ink, appearing to read "Ross Brown", written over the printed name.

Ross Brown
Assistant Attorney General
Missouri Bar No. 62771

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